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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 17th February, 1966:—

BILL No. 78 OF 1965

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India, as follows:—

Short title.

1. This Act may be called the Hindu Marriage (Amendment) Act, 1965.

Amendment of section 13.

25 of 1955.

2. In section 13 of the Hindu Marriage Act, 1955, in sub-section (*1A*),—

(*a*) at the end of clause (*ii*), the word "or" shall be inserted; and

(*b*) after clause (*ii*), the following clause shall be inserted namely:—

"(*iii*) that there has been no resumption of cohabitation as between the parties to the marriage for a period of two years or more after the passing of a decree of separate maintenance under section 488 of the Code of Criminal Procedure, 1898 in a proceeding to which they were parties." 5 of 1898.

STATEMENT OF OBJECTS AND REASONS

Where one of the parties to a marriage is not willing to return to conjugal life, the other party must not be allowed to suffer and be compelled to accept a barren life all along. This is likely to lower the morality of the society.

2. Under the Hindu Marriage Act, 1955, a person who is in a position of judicial separation is allowed to present a petition for the dissolution of marriage by a decree of divorce. It is, therefore, proper that a person who is also in a position of separation in conjugal life by means of a decree of separate maintenance under section 488 of the Code of Criminal Procedure should be given the same right for dissolution of the marriage by a decree of divorce.

Hence this Bill.

NEW DELHI;
The 4th November, 1965.

DIWAN CHAND SHARMA

BILL No. 86 OF 1965

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1965.

Omission of article 152 etc.

2. Articles 152, clause (4) of article 352, clause (5) of article 361, clause (4) of article 367, further proviso to article 368 and article 370 shall be omitted.

3. Part XVII of the Constitution shall apply also to the State of Jammu and Kashmir so far as it may not be inconsistent with any other provision of the Constitution.

4. Articles 356, 357, 360, 365, 369, 373, 376, 377, 378, 392, 394 and 395, shall apply also to the State of Jammu and Kashmir.

5. Articles 372, and 374 shall stand as they were before they were amended.

STATEMENT OF OBJECTS AND REASONS

In the present context the provisions of the Constitution relating to the State of Jammu and Kashmir are inconsistent with declared policy of the Government and the facts of the case. It is desirable that the State of Jammu and Kashmir is brought at par with the other States. Therefore, it is high time that the special provisions in regard to the State of Jammu and Kashmir are abrogated.

Hence this Bill.

NEW DELHI;
The 11th November, 1965.

PRAKASH VIR SHASTRI.

BILL NO. 1 OF 1966

A Bill further to amend the Aligarh Muslim University Act, 1920.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Aligarh Muslim University (Amendment) Act, 1966. Short title.

XL of 1920.

2. In the Aligarh Muslim University Act, 1920, (hereinafter referred to as the principal Act), in the long title. the word "Muslim" shall be omitted. Amendment of Long Title.

Amendment of Preamble.

3. In the Preamble to the principal Act, for the words "residential Muslim University", the words "residential University" shall be substituted.

Amendment of section 1.

4. In section 1 of the principal Act, in sub-section (*1*), for the words "Aligarh Muslim University", the words "Syed Ahmed Khan Aligarh University" shall be substituted.

Amendment of section 2.

5. In section 2 of the principal Act, in clause (*h*), for the words "Aligarh Muslim University", the words "Syed Ahmed Khan Aligarh University" shall be substituted.

Amendment of section 3.

6. In section 3 of the principal Act, for the words "Aligarh Muslim University" the words "Syed Ahmed Khan Aligarh University" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In keeping with the secular basis of the Indian political system and society, association of a particular community with the name of a higher institution of learning is not desirable.

Syed Ahmed Khan was a great leader of India and it were his efforts which led to the establishment of the Aligarh Muslim University. It is, therefore, in the fitness of things that this University should be named after him.

Hence this Bill.

NEW DELHI; KRISHNA DEO TRIPATHI.

The 17th November, 1965.

BILL No. 87 OF 1965

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1965.

Amendment of article 1.

2. In article 1 of the Constitution, in clause (1), after the word "Bharat", the words "shall be a Sovereign Democratic Socialist Republic and" shall be inserted.

Amendment of article 393.

3. In article 393 of the Constitution, after the word "of" the words "the Sovereign Democratic Socialist Republic of" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Government and the Parliament of India have already accepted socialistic pattern of society as the ultimate objective and have based their industrial policy and planned economic development on socialism. It is, therefore, in the fitness of things that this objective should find unambiguous mention in the supreme law of the land.

Hence this Bill.

NEW DELHI; KRISHNA DEO TRIPATHI.

The 17th November, 1965.

BILL No. 88 OF 1965.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1965.

Amendment of the Seventh Schedule.

2. In the Seventh Schedule to the Constitution,—

(i) in List II—State List, entry 18 shall be omitted.

(ii) in List III—Concurrent List, after entry 20, the following new entry shall be inserted, namely:—

"20A. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization."

STATEMENT OF OBJECTS AND REASONS

It has almost become clear that States have failed to execute adequate legislation carrying out land reforms which are indispensable for increased food production. As the country is passing through acute food shortage, land reform measures should immediately be enacted. This can be effectively done if Parliament too is empowered to legislate on land reform measures. This is possible by transferring the subject of land reforms from the State List to the Concurrent List in the Seventh Schedule of the Constitution.

Hence this Bill.

NEW DELHI; KRISHNA DEO TRIPATHI.

The 17th November, 1965.

BILL NO. 3 OF 1966.

A Bill to prevent the slaughtering of cows in India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention of Cow Slaughter Act, 1966.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitio .

2. In this Act, unless the context otherwise requires—

(*a*) "cognizable offence" shall have the meaning assigned to it in the Code of Criminal Procedure, 1898;

5 of 1898.

(*b*) "cow" includes she and he-calves, heifers, bullocks and bulls;

(*c*) "killing" includes slaughtering or otherwise killing for any purpose and by any means whatsoever.

Stoppage of cow slaughter.

3. No person shall kill or cause to be killed a cow for any purpose and at any place in India.

Penalty for cow slaughter.

4. Any person killing or causing to be killed a cow shall be punishable with imprisonment for a term which may extend to fourteen years or with fine which may extend upto one thousand rupees and an offence under this Act shall be a cognizable offence.

STATEMENT OF OBJECTS AND REASONS

The cow is held in veneration by millions of people in India. It has served the nation in many fields of life. Bullocks are needed for agriculture. The necessity of cow for Indian life can never be overestimated. In order to preserve them, it is necessary to have legislation for stoppage of slaughter of cows.

Hence the Bill.

NEW DELHI;
The 27th December, 1965.

KRISHNA DEO TRIPATHI.

BILL NO. 13 OF 1966.

A Bill to provide for the discontinuance of Government aid to educational institutions having religious, denominational or sectarian names.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Denominational Educational Institutions (Discontinuance of Aid) Act, 1966.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "educational institution" means any recognised institution imparting general, scientific or technical education.

(*b*) "aid" means any aid granted to a recognized educationl institution by the Central Government.

Religious or sectarian institutions not to receive aid.

3. Any aided educational institution having a religious or sectarian name shall not, hereafter, be provided with aid:

Provided that the aid hitherto being given to any such institution shall be continued if the religious or sectarian name is changed or the management of the institution gives an assurance in writing to change the name within six months of the passing of this Act.

STATEMENT OF OBJECTS AND REASONS

The denominational or sectarian names of educational institutions are not in conformity with the ideals and practice of secular democracy and it is not proper to provide aid to such institutions.

This Bill seeks to provide for discontinuance of Government aid to such institutions.

NEW DELHI; MAHADEVA PRASAD

The 2nd January, 1966.

BILL No. 2 OF 1966.

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Hindu Marriage (Amendment) Act, 1966.

Amendment of section 5.

2. In section 5 of the Hindu Marriage Act, 1955, in clause (*iii*), for the words "eighteen years" and "fifteen years", the words "twenty-five years" and "twenty years" respectively, shall be substituted. 25 of 1955.

STATEMENT OF OBJECTS AND REASONS

On account of the increase in the average life expectancy of the people and also with a view to put a check on the growth of population of the country, an increase in the marriageable age of men and women is desirable and necessary.

This Bill seeks to achieve the aforesaid object.

NEW DELHI;
The 2nd January, 1966.

MAHADEVA PRASAD.

BILL NO. 7 OF 1966

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1966.

Amendment of article 31.

2. In article 31 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

"(2) No property shall be compulsorily acquired or requisitioned save by authority of a law which provides for the rehabilitation of the person or persons whose property has been so acquired or requisitioned.".

STATEMENT OF OBJECTS AND REASONS

Concentration of wealth and economic power in the hands of an insignificant minority and appropriation by it of a large portion of the national income is patently against the objective of socialism which our people and Parliament have accepted.

Quick realisation of the socialist goal calls for a new approach to the question of property. The so-called sanctity that is supposed to attach to property rights in the means of production and the rigid constitutional provision about payment of compensation to property owners have blocked rapid social change and have strengthened the forces of capitalism and speculation in our economy.

This amendment seeks to replace the retrograde principle of compensation by the progressive, socialistic and humane concept of rehabilitation.

NEW DELHI; MADHU LIMAYE.

The 8th January, 1966.

BILL NO. 8 OF 1966

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1966.

Amendment of article 16.

2. In article 16 of the Constitution, to clause (*1*), the following proviso shall be added, namely:—

"Provided that notwithstanding anything contained in this part at least 60 per cent. of all the posts under the State shall be filled from among the backward class of citizens, including women, Scheduled Castes, Scheduled Tribes, and socially and economically retarded sections of majority and minority communities till such time as an equal society is fully established in the country."

STATEMENT OF OBJECTS AND REASONS

The condition of backward classes has not materially changed after the achievement of freedom. There is, however, a frightening sense of complacency in this regard. The report of the Commissioner for Scheduled Castes and Scheduled Tribes has shown that the representation of these sections in Government services is at present very low. The position of other backward classes is not much better either.

The principle of equal opportunity in an unequal society must, therefore, be reinterpreted to mean provision of special opportunities to the backward and retarded sections of the population till such time as the inequalities and disabilities flowing from birth and from caste distinctions have been wholly eliminated.

In order to avoid litigation on this subject, it is necessary to qualify the principle of equal opportunity in the transitional period in order more quickly to realise the ideal of equal society in which alone the principle of equal opportunity can have full and effective sway. This is what this constitutional amendment seeks to accomplish.

NEW DELHI; MADHU LIMAYE.

The 8th January, 1966.

BILL No. 9 OF 1966.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1966.

Amendment of article 22.

2. In article 22 of the Constitution, in clause (4), for the words "No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—" the following shall be substituted, namely:—

"No law providing for preventive detention shall take effect except during the period of emergency proclaimed under article

352 and no such law shall authorise the detention of a person for a longer period than three months unless—"

3. Clause (4) of article 32 of the Constitution shall be omitted. Amendment of article 32.

4. Article 359 of the Constitution shall be omitted. Omission of article 359.

STATEMENT OF OBJECTS AND REASONS

The experience of the working of our political institutions has unmistakably shown that there is a growing tendency on the part of the executive to abuse the large discretionary powers vested in it by the Constitution.

The ordinary provision with regard to preventive detention and the extraordinary power to suspend enforcement of citizens' fundamental rights and liberties, which article 359 has bestowed on the executive, have often been misused by the authorities for partisan ends.

In order to put a check on the arbitrary exercise of power, it is absolutely necessary to abrogate the power to suspend enforcement of fundamental rights and make the preventive detention provision operative only during an emergency.

NEW DELHI; MADHU LIMAYE

The 8th January, 1966.

BILL No. 10 OF 1966.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1966. Short title.

2. In article 83 of the Constitution, in clause (2), for the words "unless sooner dissolved, shall continue", the words "which shall meet at least once after its due constitution shall continue, unless sooner dissolved" shall be substituted. Amendment of article 83.

Amendment of article 172.

3. In article 172 of the Constitution, in clause (1), for the words "of every State, unless sooner dissolved, shall continue", the words "which shall meet at least once after its due constitution, shall continue, unless sooner dissolved" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

As the Kerala example has shown, the multiplicity of political parties in India has rendered some British constitutional conventions based on the two-party system largely irrelevant for India. In order to avoid frequent constitutional breakdowns in the States—as also at the Centre in a certain eventuality—it is necessary to evolve new conventions without delay. One such convention would be to divest the Governor of a State of the power to decide the question whether or not a constitutional government is possible in a State after an election and lay the responsibility of forming such a government at the door of the people's representatives themselves by summoning the elected Assembly after it has been duly constituted.

Such a convention is not inconsistent even with the existing constitutional provisions. But in order to give it additional weight this amendment seeks to make the summoning of the elected legislature, at least once after an election, obligatory on the Governor (or the President as the case may be), so that the elected members and the political parties represented in the legislature are brought face to face with their responsibility to give to the people a constitutional government, avoid a deadlock and prevent imposition of President's rule in the States.

NEW DELHI; MADHU LIMAYE.

The 8th January, 1966.

BILL No. 11 OF 1966.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1966.

(*2*) It shall come into force at once.

Amendment of article 352.

2. In article 352 of the Constitution, after clause (3), the following clause shall be inserted:—

"(4) A Proclamation issued under clause (1) shall, unless revoked, cease to operate on the expiration of a period of six

months from the date of the passing of the second of the resolutions approving the Proclamation under clause (2):

Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of six months from the date on which under this clause it would otherwise have ceased to operate:

Provided further that if the dissolution of the House of the People takes place during any such period of six months and a resolution approving the continuance in force of such Proclamation has been passed by the Council of States, but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the continuance in force of the said Proclamation has also been passed by the House of the People".

STATEMENT OF OBJECTS AND REASONS

The Proclamation of Emergency issued on October 26, 1962 still continues in force. It is necessary and desirable that Parliament should review the situation periodically, when the Executive is vested with such extraordinary powers.

Hence this Bill.

NEW DELHI; HARI VISHNU KAMATH.

The 17th January, 1966.

BILL NO. 4 OF 1966

A Bill to provide for punishment to persons found guilty of treason and matters connected therewith.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Treason Act, 1966. Short title.

2. In this Act, unless the context otherwise requires,— Definitions

(*a*) "enemy" shall have the same meaning as in section 2 of the Defence of India Act, 1962 and include a person who be- 51 of 1962.

haves in a manner prejudicial to the defence of Indian territory or any part thereof;

(*b*) "enemy agent" means any person acting on behalf of, or for or in the interests of, an enemy and in a manner prejudicial to the interest of the Indian nation;

(*c*) "official secrets" has the same meaning as in the Indian Official Secrets Act, 1923; 19 of 1923.

(*d*) "sabotage" means an act of destruction or an attempt to destroy any public property, or property belonging to a citizen of India which is deemed to be important for the defence and security of the country.

(*e*) "treason" means an attempt to overthrow by a person or a group of persons the legally constituted Government of India otherwise than through constitutional means, or an attempt to overthrow the Government by force or treachery, or disloyalty to the cause of the Indian nation;

Penalty.

3. (*1*) **Whoever is suspected of an act of treason or an attempt to commit treason, shall be apprehended at once without a warrant and shall be tried in a summary way by a Tribunal appointed by the Government of India, consisting of one or more persons having the powers of a court of law for the purposes of this Act and, if found guilty, shall be sentenced to death.**

(*2*) **Whoever is suspected of being an enemy agent by a competent authority constituted by the Government of India shall be apprehended at once and after a trial in a summary way by a military or a civil court shall be punished with rigorous imprisonment for a term of ten years, or may be sentenced to death if the gravity of the offence is such that it is not in the interest of the nation to keep such a person under imprisonment.**

(*3*) A person holding office under the Government of India, or a State Government, or a local authority, or a public undertaking, if found guilty of—

(*i*) sabotage; or

(*ii*) an attempt to commit sabotage; or

(*iii*) sheltering or keeping of—

(*a*) an enemy agent; or

(*b*) a person committing treason; or

(*c*) any person attempting to commit treason or divulging any official secret to an enemy or an enemy agent; or

(*d*) any person whose bonafides are of a doubtful nature or who is likely to commit an act prejudicial to the interest of the Indian nation,

shall be removed from such service forthwith and shall be punishable with rigorous imprisonment for a term of ten years or with fine, or with both.

STATEMENT OF OBJECTS AND REASONS

Recently, there have been violations of Indian territory and armed attacks upon India by certain countries. Such countries are likely to try to change the lawful Government of the country through acts of treason and sabotage.

The Bill seeks to provide for penalties for activities like treason, sabotage etc., aimed at overthrowing the lawful Government through means other than constitutional, thereby weakening the Indian nation in its efforts to thwart the evil intentions of the enemy.

NEW DELHI;
The 17th January, 1966.

M. L. DWIVEDI.

FINANCIAL MEMORANDUM

The Bill provides for the constitution of a Tribunal for the purpose of investigating into, and trial of, cases of treason. The appointment of a Tribunal will involve expenditure from the Consolidated Fund of India. It is likely to be Rs. 2,00,000 per month.

S. L. SHAKDHER,
Secretary.

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